

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHELLE MEEHLEDER,

Plaintiff,

v.

Case No. 11-CV-12946
HON. GEORGE CARAM STEEH

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

/

ORDER GRANTING PLAINTIFF'S COUNSEL'S MOTION FOR ATTORNEY FEES

This social security disability appeal was decided in plaintiff Michelle Meehleder's favor. Plaintiff's counsel seeks an award of \$4,363.56 in attorney fees pursuant to 42 U.S.C. § 406(b) for 21.7 hours of work on plaintiff's behalf before this court. The Commissioner filed a response stating she does not oppose the motion for fees, but noting the untimeliness of the request, stated she would defer to plaintiff herself if there was any objection to the request on the basis of the lateness of the motion. Plaintiff has been served with a copy of the Commissioner's response to the motion for attorney fees, and an order to show cause whether she would be prejudiced by her counsel's delay. Plaintiff has not filed a response and the time period for doing so has expired.

Attorney fees are properly awarded to a claimant who is successful on the social security disability administrative appeal pursuant to 42 U.S.C. § 406(b), which sets a cap of 25 percent on contingency fees, which is the amount sought here. The fees sought are also consistent with the fee agreement signed by plaintiff and her counsel.

There is a “rebuttable presumption that an attorney will receive the full 25% contingency fee under contract.” *Hayes v. Sec'y of Health & Human Serv.*, 923 F.2d 418, 419 (1990) (citations omitted). In this case, the fees sought are reasonable and consistent with the amount of work involved and counsel’s significant experience in these types of matters.

Accordingly, plaintiff’s counsel’s motion to collect \$4,363.56 in attorney fees (Doc. 19) is GRANTED.

IT IS SO ORDERED.

Dated: October 23, 2015

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on October 23, 2015, by electronic and/or ordinary mail and also on Michelle Lynn Meehleder, 3252 E. North Union, Bay City, MI 48706.

s/Barbara Radke
Deputy Clerk